



AGENDA
COMMITTEE OF THE WHOLE MEETING
Village Hall – Board Room
Monday, July 11, 2016
Immediately following Regular Village Board Meeting

Reasonable accommodations / auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings of the Board. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need special accommodations to attend.

The Committee of the Whole will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so. Citizens wishing to address the Board on agenda items may speak when the agenda item is open, prior to Board discussion.

CALL TO ORDER

1.0 ROLL CALL

2.0 APPROVAL OF MINUTES

- 2.1 Acceptance of the June 27, 2016 Committee of the Whole Meeting Minutes

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

- 3.12 Consideration of a Request to Reduce Code-Required Cash Contribution in Lieu of Park Land Dedication from \$3,802,029 to \$1,235,648 and to Defer Payment of School, Library and Park Cash Contributions from Final Plat of Subdivision Approval until Building Permit Issuance (ECD-Lincolnshire Theater, LLC)

3.2 Finance and Administration

3.3 Public Works

- 3.31 Consideration Professional Service Contract with WBK Engineering, LLC for Drainage Improvement Design, Permits, and Bidding Services (Lincolnshire Creek from Riverwoods Road to Coventry Lane) at a Cost not to Exceed \$49,817.11. (Village of Lincolnshire)

3.4 Public Safety

3.5 Parks and Recreation

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

6.0 EXECUTIVE SESSION

7.0 ADJOURNMENT



**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, June 27, 2016**

Present:

Mayor Brandt	Trustee Feldman
Trustee Grujanac	Trustee Hancock
Trustee McDonough	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Acting Chief of Police Price	Finance Director/Treasurer Peterson
Public Works Director Woodbury	Assistant Public Works Director/Village
Economic Development Coordinator	Engineer Dittrich
Zozulya	Sergeant Wrzesinski

ROLL CALL

Temporary Chair McDonough called the meeting to order at 7:07 p.m. and Village Clerk Mastandrea called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of the June 13, 2016 Special Committee of the Whole Meeting Minutes

The minutes of the June 13, 2016 Special Committee of the Whole Meeting were approved as submitted.

2.2 Acceptance of the June 13, 2016 Committee of the Whole meeting Minutes

The minutes of the June 13, 2016 Committee of the Whole Meeting were approved as submitted

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

3.11 Consideration of Preliminary Evaluation of Request to Amend the Downtown Planned Unit Development to Construct a Culver's Restaurant with a Drive-Thru on Parcel C and Install New Center-Wide Ground Signage (DK Mallon / Village of Lincolnshire)

Economic Development Coordinator Zozulya summarized the request to amend the downtown Planned Unit Development to construct a Culver's Restaurant with a drive-thru on Parcel C and install new center-wide ground signage. Economic Development Coordinator Zozulya provided background related to the site and zoning. Economic Development Coordinator Zozulya noted if the request receives favorable comments

from the Village Board it would advance to the Architectural Review Board for a detailed design review then come back to the Village Board for the downtown PUD Amendment and a Special Use Permit as well as the center-wide signage.

Mr. Mike Mallon, Senior Vice President with Draper and Kramer who is the developer for the property and the representative for Lincolnshire Market Place LLC introduced Mr. Bob Gudmundson with RWG Engineering; Mr. Stephen Leonard with Strategic Real Estate Services, the broker who represents Culver's; Mr. Kevin Weasler with Culver's, who will be the owner/operator for the proposed facility; and Mr. Michael Fitzgerald with OKW Architects.

Mr. Mallon provided background and summary related to the overall site and the proposed Culver's.

Village Attorney Simon asked how the proposed square footage of the overall site plan differs from the last plan presented to the Village Board. Mr. Mallon noted Mr. Fitzgerald would address square footage changes in his presentation.

Mr. Fitzgerald provided background information and a presentation related to the site, changes from the last site plan and the request for signage regarding the proposed Culver's project.

Trustee McDonough asked about the height of the identification sign to be located toward the Route 22 and Milwaukee Avenue corner. Mr. Fitzgerald stated it is proposed to be 6' to the top of the stone cap. Trustee McDonough asked if the sign would be visible from the eastbound lanes of Route 22. Mr. Fitzgerald confirmed the sign would be visible from the eastbound lanes of Route 22 and the northbound lanes of Milwaukee Avenue so people going northbound will know to continue on to the entrance. Village Attorney Simon asked if they had a material board for the sign. Mr. Fitzgerald stated they did not have a material board for the sign at this time but would have detailed material in advance of the Architectural Review Board meeting. Trustee Leider asked about the free-standing letters of the sign and asked for examples of similar signs. Mr. Fitzgerald stated they would provide examples of other signs with this type of lettering. Economic Development Coordinator Zozulya provided information related to other signs in the Village as a comparison and noted other signs approved at various shopping centers in recent years were larger in comparison.

Mr. Kevin Weasler provided a presentation regarding the Culver's restaurant in Buffalo Grove, the desire to bring Culver's to Lincolnshire and the goals of Culver's as restaurant brand to be an active member of the community.

Trustee McDonough asked how the construction of the proposed Culver's compares to the one in Buffalo Grove. Mr. Weasler stated the

proposed Culver's would be fairly different than the one in Buffalo Grove; it is proposed to be more updated and have a more family feel.

Trustee Hancock asked what Mr. Weasler thought about the competition in the area. Mr. Weasler stated he feels they are good competitors and noted the Culver's has a vast menu compared to other fast food restaurant options in the area.

Trustee Hancock asked if Fresh Market will be helpful with the traffic they will bring and vice versa. Mr. Weasler stated he thought both Culver's and The Fresh Market would benefit from the other being in the same location.

Mr. Mallon thanked the Board for allowing the presentation.

Trustee Hancock noted concern that the consumers may not be the same for both Culver's and The Fresh Market. Mr. Mallon stated if there were any ideas for this site, to please bring it forward. Trustee Grujanac noted many of the Stevenson High School students currently patron the Buffalo Grove Culver's and did not think the proposed would lack customers.

Village Attorney Simon noted the southern lot on Route 22 has been earmarked for a stand-alone restaurant and asked why the lot on Milwaukee Ave. was chosen for the Culver's. Mr. Mallon noted Culver's felt they would like to have the exposure to Milwaukee Ave. and stated the right-in/right-out of Route 22 is a challenge for the south lot.

Trustee McDonough noted the signage will be key to getting the traffic and direction flow corrected for the sight. Trustee McDonough stated the trees in the plan may block the view for the center and suggested any landscaping be carefully considered with an eye to what the site will look like when the landscaping matures.

Trustee McDonough asked if the blue awning is part of the Culver's brand. Mr. Weasler noted there is one other option they could provide for the awning. Trustee McDonough stated the other option may go better with The Fresh Market.

There was a consensus of the Board to refer this to the Architectural Review Board.

3.2 Finance and Administration

3.3 Public Works

3.31 Consideration of Out of Village Water Service Request for 16139 Port Clinton Road (Sou-Jen Chang)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of the request for out-of-village water service at 16139 Port

Clinton Road. The watermain currently runs in front of the residence, and the resident has filed the required unconditional petition to annex should the Village desire to exercise that option.

Trustee Grujanac asked if all the homes surrounding Stevenson High School were making this type of request. Assistant Public Works Director/Village Engineer Dittrich noted residents requests have been made for several properties in this area where the watermain currently exist.

Trustee Hancock asked about fees involved. Assistant Public Works Director/Village Engineer Dittrich confirmed fees the resident pays for the service and noted they would pay for the actual work as well.

Village Attorney Simon noted the Village has not pursued annexing any of the properties since the result would be a net loss.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.32 Consideration of Requested Fee Waiver for Site Work Permit for Lincolnshire-Riverwoods Fire Protection District

Assistant Public Works Director/Village Engineer Dittrich provided a summary of the request to waive the fee for site work permit for Lincolnshire-Riverwoods Fire Protection District parking lot.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.33 Consideration of Purchase of a Portable Truck Lift and Auxiliary Jack Stands under the National Joint Powers Alliance contract number (061015-RRL) awarded to Standard Industrial and Auto Equipment, Inc. from Hanover Park, IL in an amount not to exceed \$48,666.79 (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of the request to purchase a portable truck lift and auxiliary jack stands from Standard Industrial and Auto Equipment, Inc. as part of the National Joint Powers Alliance.

Trustee McDonough asked what staff is currently using. Assistant Public Works Director/Village Engineer Dittrich noted staff currently has hydraulic lifts for smaller vehicles but has to crawl under the larger vehicles.

Trustee Hancock asked how the expense is justified. Assistant Public Works Director/Village Engineer Dittrich noted safety is first and foremost. The lifts also offer staff the ability to work on more than one vehicle and versatility instead of sending vehicles out for repair. Village

Manager Burke noted this is a replacement to existing lifts that does not pass safety inspection. Trustee McDonough asked who inspects the equipment. Assistant Public Works Director/Village Engineer Dittrich noted the state inspects the equipment. Trustee Hancock asked if the current equipment can be fixed. Assistant Public Works Director/Village Engineer Dittrich noted the current equipment cannot be fixed.

Trustee McDonough noted he did not recall this from the budget discussions and asked what the life of the new equipment is. Assistant Public Works Director/Village Engineer Dittrich noted this is 10 – 20 year equipment.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.34 Consideration of a Professional Service Contract with RJN Group, Inc. for Engineering Services at a Cost Not to Exceed \$77,500 (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of a proposed contract for engineering services with RJN Group for addressing the sanitary sewer system to eliminate a lot of the infiltration system.

Trustee McDonough asked if the area down by Camberley Club is the only area with issues. Assistant Public Works Director/Village Engineer Dittrich noted there are other areas but this area was identified as a high priority. Trustee McDonough asked if there is concern with other water leaking into our water. Assistant Public Works Director/Village Engineer Dittrich confirmed this was the issue. A conversation about the testing and engineering services proposed followed.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.4 Public Safety

3.5 Parks and Recreation

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

5.1 Tractors in North Park

Trustee Hancock stated a resident had concerns with tractors being parked outside at North Park in the elements.

Assistant Public Works Director/Village Engineer Dittrich noted the lean-to covering the equipment is in bad shape and a replacement is in the capital

plan. Village Manager Burke noted the equipment under the lean-to is moved back and forth from Public Works to other areas.

5.2 Summer Slam

Trustee McDonough noted Summer Slam was a success and thanked all involved.

6.0 EXECUTIVE SESSION

7.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Leider seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Temporary Chair McDonough declared the meeting adjourned at 8:12 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk

**REQUEST FOR BOARD ACTION
Committee of the Whole
July 11, 2016**

Subject: City Park Retail Center – Regal Theater Site Redevelopment

Action Requested: Consideration of the Following Requests:

1. Reduce Code-Required Cash Contribution in Lieu of Park Land Dedication from \$3,802,029 to \$1,235,648.
2. Defer Payment of School, Library and Park Cash Contributions from Final Plat of Subdivision Approval until Building Permit Issuance.

Petitioner: ECD-Lincolnshire Theater, LLC

Originated By/Contact: Tonya Zozulya, Economic Development Coordinator
Department of Community & Economic Development

Advisory Board Review: Village Board

Background:

- ECD-Lincolnshire Theater, LLC, the petitioner and property owner, requests a reduction of code-required park land cash contributions in lieu of park land dedication from \$3,802,029 to \$1,235,648 and deferment of school, library and park donation payments, from the code-required final subdivision plat approval, until building permit issuance.
- At the May 9, 2016 meeting, the Village Board approved the petitioner's request for a major amendment to the CityPark Planned Unit Development (PUD) to redevelopment the Regal Movie Theater property including construction of a 302-unit luxury apartment complex named 404 Social. The PUD amendment included preliminary plan and preliminary plat of subdivision approval for this development.
- The Village Code's required cash contribution in lieu of park land dedication is based on the number of dwelling units in a development, the average number of persons per unit based on the most recent Census, and the fair market of 1 acre of land in the Village. The code requires 10 acres of park land per 1,000 residents. It currently uses 2.31 persons as the average household size (based on the 2010 Census) and \$545,000 as the fair market value of 1 acre of land in the Village. All code-required donations must be paid prior to the recording of the final plat of subdivision (see attached code requirements).
- The code allows the Village and developers to negotiate a different cash contribution amount and payment schedule via a written agreement approved by the Village Board. The developer is required to provide rationale and supporting documents for their request.

Request Summary:

Park Cash Contribution Reduction

- The petitioner requests Village Board approval of a cash contribution in an amount of \$1,235,648 instead of the code-required \$3,802,029 (a \$2,566,381 reduction or 67.5% before any adjustments or credits) based on the average household occupancy and on-site private open space credit for 404 Social and comparisons with comparable luxury apartment communities in surrounding areas. The requested amount is derived as follows:

\$3,802,029 (code-required cash contribution)

- \$1,201,507 (less average household size adjustment)
- \$800,874 (less land improvement cost credit)
- \$564,000 (less private outdoor community amenity construction credit)
- = \$1,235,648 (requested cash contribution)

Deferment of School, Library & Park Cash Donation Payment

- The petitioner also requests deferment of the payment of the school, library and park donations until the building permit issuance. The developer states in their cover letter the deferment is necessary since the first phase of the proposed improvements will be the redevelopment of the movie theater which does not trigger donations. The payment will be timed with construction of the apartments for which the developer is required to pay donations by code.

Staff Comments:**Park Cash Contribution Reduction***Average Unit Occupancy*

- Village Code prescribes an average household size of 2.31 persons per unit to be used for park contribution calculations, based on the 2010 Census. The petitioner states this number reflects single-family occupancy and is not accurate for apartments like 404 Social with lesser occupancy. The developer used a 2006 Rutgers University Center for Urban Policy Research Residential Demographic Multipliers (see attached) to derive a more accurate average per-unit occupancy figure of 1.73 persons. The petitioner further adjusted the Rutgers' number to 1.58 persons based on actual occupancy in existing comparable luxury rental apartments in the Chicago area (see attached), resulting in an adjusted cash contribution of \$2,600,522. **When the code-required park donation formula is adjusted to reflect the above (more accurate) average occupancy number, the requested reduction is decreased from 67.5% to 47.5%.**

On-Site Private Open Space Improvement Credit

- Lincolnshire Village Code does not provide a code-required park land contribution credit for the provision of on-site open space improvements. The petitioner states, in the attached letter, 9 out of 12 Chicago area municipalities surveyed by the petitioner, do allow a full or partial open space cash credit by code (see attached). The nine municipalities include Libertyville, Deerfield, Lake Bluff, Highland Park, Buffalo Grove, Glenview, Naperville, Downers Grove and Wheaton. Private open space credit requests in those municipalities are typically reviewed based on how proposed private improvements, including recreational facilities, swimming pools, pathways and other outdoor amenities, will meet recreational needs of future residents of that subdivision as well as the overall need of the area. Private improvements are required to be permanently maintained and are held to higher standards than public improvements (see attached code section from Deerfield which is typical of the other communities surveyed).

Prior Lincolnshire Requests

- In 2015, Pulte Homes requested a reduction in their required park land contribution based on the provision of private open space within the 86-unit Camberley Club townhome development along Milwaukee Avenue. Their reduced park donation amount (with a land

value and improvements credit) was \$943,520, representing a 38% reduction. **If the same percentage is applied to the current request, the petitioner's park donation will be \$1,444,771.**

Surrounding Community Research

- In addition to the research conducted by the developer, staff researched 9 additional communities regarding whether they offer a private open space credit. These communities included Vernon Hills, Buffalo Grove, Long Grove, Hawthorn Woods, Lake Forest, Wilmette, Glencoe, Kenilworth and Winnetka. Four of these communities (Vernon Hills, Buffalo Grove, Long Grove and Hawthorn Woods) offer this type of credit by code. Staff understands the other 5 communities do not offer it as they are largely built out.

Staff also surveyed five adjacent communities with recent multi-family projects: Vernon Hills, Deerfield, Lake Forest, Northbrook and Glenview regarding whether the developers requested any park contribution credit and if so, whether the municipality approved a reduction (see attached surrounding communities survey summary). Vernon Hills stated the Village has not assessed park donations on recent projects. Deerfield approved developer-requested reductions for two recent apartment developments: AMLI and Woodview (240-unit AMLI-a reduction from \$1.1 million to \$791,000 or 18%; 260-unit Woodview - a reduction from \$1.2 million to \$528,000 or 44%). Lake Forest indicated their approved 111-unit Kelmscott Park apartment project involves a complex arrangement involving the sale of municipal land and the establishment of a Tax Increment Financing district; however, no park donations were waived or reduced. Northbrook stated the NorthShore 770 developer requested a 50% reduction to their required \$1.6 million contribution for a 347-unit NorthShore 770 development but it was not approved. The Village of Glenview indicated the 290-unit Tapestry apartment developer did not request a reduction to the required \$1.3 million contribution.

Staff believes the petitioner's reduction request is justified given the Village Code's average household occupancy is more reflective of single-family and townhome occupancy rather than apartments, as evidenced by the Rutgers study and actual occupancies in comparable developments. In addition, as shown in the petitioner's letter of request, 404 Social provides more open space per unit and a more robust amenities package than some other comparable luxury developments in surrounding communities. The petitioner's request is also in line with the reduction granted to Pulte Homes after their proposed population adjustment ratio is applied.

Variable	Code-Required Park Donations	Proposed Park Donations
Number of Units	302	302
Average Household Size	2.31	1.58
Ultimate Population	1,000	1,000
Acres of Parkland	10	10
Fair Market Value of 1 Acre of Land	\$545,000	\$545,000
Land Improvement Credit	N/A	\$800,874
Outdoor Amenities Credit	N/A	\$564,000
TOTAL	\$3,802,029	\$1,235,648

Staff understands the petitioner's request and the rationale applied given the level of private recreational amenities proposed. The petitioner's request is further supported by similar requests reported by neighboring communities.

Park donations received from this development may be used toward pedestrian, bicycle and pedestrian signal improvements along the Milwaukee Avenue Corridor and within the Lincolnshire Corporate Center which are estimated at \$1.3 million see attached Capital Improvement Plan table).

Deferment of School, Library & Park Cash Donation Payment

Prior Lincolnshire Requests

- In 2015, as part of the Sedgebrook Annexation Agreement amendment, Pulte Homes requested and received approval for the park donation deferment until the issuance of the building permit for the last townhome unit.

Surrounding Community Research

- Staff researched surrounding communities (see attached survey summary) regarding their code-required payment schedule for required cash donation payment. They require payment either at final plat of subdivision approval, at building permit, or at occupancy permit. Deerfield recently approved deferment for the Woodview and AMLI developments until building permit and certificate of occupancy, respectively.
- Staff is in support of granting an extension until the building permit issuance to coincide with the development of the apartment complex.

Recommendation:

Consideration of a Request to Reduce Code-Required Cash Contribution in Lieu of Park Land Dedication from \$3,802,029 to \$1,235,648 and to Defer Payment of School, Library and Park Cash Contributions from Final Plat of Subdivision Approval until Building Permit Issuance. If the Village Board is supportive of the request, the Village Attorney will prepare a draft agreement for the Board's consideration at the July 25, 2016 meeting.

Following the donation discussion, the petitioner intends to return to the Village for approval of a Final Plat of Subdivision and Final Development Plans.

Reports and Documents Attached:

- Letter of request and supporting documents, prepared by Scott Greenberg of ECD, dated June 30, 2016.
- Chapter 7, Title 7 of the Village Code regarding park donations.
- Surrounding community survey summary, prepared by staff.
- A typical code statement regarding private open space improvement credit from the Village of Deerfield.

Meeting History	
Preliminary Evaluation - Committee of the Whole	January 11, 2016
Continued Preliminary Evaluation – Committee of the Whole	February 8, 2016
ARB Preliminary Review	February 16, 2016
ARB Workshop	February 29, 2016

ARB Consideration & Discussion	April 12, 2016
Committee of the Whole	April 25, 2016
Village Board Consent	May 9, 2016
Committee of the Whole (current)	July 11, 2016

TO: Mayor Elizabeth Brandt and Members of the Board of Trustees
FROM: Scott David Greenberg, President of ECD Company
DATE: June 30, 2016
RE: 404 Social Residential Apartment Community - Request for Reduction in Park Impact Fee and Deferred Payment of All Impact Fees until Issuance of 404 Social Building Permits

The Lincolnshire Village Code imposes a park donation requirement on residential developments in the form of either a land donation or cash contribution in lieu thereof for park purposes to meet the immediate and future needs of the residents of such developments. Under the Village Code, the ultimate population generated by such development is one large factor that determines the amount of land donation or cash contribution required.

In accordance with Section 7-7-2(A) of the Village Code, ECD proposes payment of a cash contribution in lieu of park land donation in an amount that reflects both the actual projected population of 404 Social and the cost of providing and constructing public and private land and amenities for recreational purposes at 404 Social. ECD also requests deferred payment of all required impact fees until the time of issuance of building permits for the 404 Social buildings rather than at the time of final plat of subdivision or planned development approval.

Specifically, for the reasons described below, ECD respectfully requests Board approval of a fee-in-lieu of park land donation requirement in the amount of \$1,235,648.

A. Request to Reduce Park Impact Fee Payment Obligation

1) The Village Code's Population Projection for 404 Social is Not Reflective of Actual Occupancy Rates for Apartments.

Particularly in a community like Lincolnshire, where there are few multi-family living arrangements, using the U.S. Census Bureau's average household population results in a number that skews high because single-family detached dwelling units generally house more occupants than apartment units. According to the Village's own website, the average household size ranges from 2.41 (ESRI 2010) to 2.31 (ESRI 2015).

Applying the population estimates derived from the more recent 2006 Rutgers University Center for Urban Policy Research Residential Demographic Multipliers (see attached exhibit), the population of 404 Social is projected to be 1.73 persons per unit before making appropriate adjustments to reflect actual

occupancy of units in existing nearby multi-family luxury apartment communities.

Our conversations with several management companies of such apartment communities revealed that the average household size of their apartment units is less than 1.73 persons per unit. In fact, The Perman Group forecasts the population per unit will be closer to 1.58 persons per unit based upon a comparable sample set.

Sample comparable luxury apartments that The Perman Group reviewed included: The Parker, Park Ridge; Aloft at Glen Town Center, Glenview; The Reserve, Glenview; and AMLI Deerfield.

Another example is Woodside Deerfield which used adult population estimates calculated by Tracy Cross & Associates, Inc., which are lower than 1.58 persons per unit and estimates the average number of occupants to be 1.46 persons per unit.

In addition, Aloft in Glenview uses a mean number of occupants of 1.34, calculated by Tracy Cross & Associates, Inc.

Tapestry (Glenview), Focus Development (Lake Forest), and AMLI Deerfield all used the 2006 Rutgers University, Center for Urban Policy Research Residential Demographic Multipliers to estimate the occupants in their developments.

And, while most municipalities use either the Rutgers University or Illinois School Consulting Service/Associated Municipal Consultants, Inc. (ISCS) Table of Estimated Ultimate Population Per Dwelling from 1996, as required by their municipal ordinances, these very communities are accepting population estimates in residential projects that are substantially lower and which correspond to the actual occupancies experienced by new residential developments.

The Perman Group's review of comparable residential developments shows the distribution of each kind of bedroom unit (Table 1). The number of bedrooms in a residential development turns out to be a good predictor for the number of occupants (Table 2). In fact, the actual average occupancy per unit for three of the four comparables is within 8/100ths of a person compared to the average number of bedrooms per unit. In the other case (The Parker), the actual average occupancy is a fair bit less than the average number of bedrooms per unit. It is also interesting to note that AMLI Deerfield's average occupancy of 1.34 persons per unit is less than the 1.74 persons per unit that was proposed (Table 3).

In the case of 404 Social, there are 302 units planned with a total of 478 bedrooms. Applying the same formula of an average of one person per bedroom yields a population of 478 persons or an average occupancy of 1.58 persons per unit. As a result, 404 Social's projected population is 236 less persons than the

698 persons assumed by the Village Code's projection of 2.31 persons per unit as derived by the 2010 U.S. Census due to the predominance of detached single-family residential units in the Village.

The park donation requirement for 404 Social, using the more accurate population estimate of 1.58 persons per unit, and without consideration of the credits described below, results in a cash-in-lieu park donation requirement of **\$2,600,522 as opposed to either a \$3,802,029 park donation requirement based on the Village Code's assumed average household size of 2.31 persons per unit or a \$2,880,325 park donation requirement assuming an average household size of 1.73 persons per unit, all as set forth above.**

2) **Most municipalities provide credit to developers who provide on-site recreational land and improvements.**

Although not recognized by the Lincolnshire Village Code, a developer's provision of on-site recreational land and recreational improvements is widely recognized by Illinois municipalities as having the effect of reducing the burden of that developer's housing development on the community's need for additional park land and park facilities.

Nine of the 12 municipalities we surveyed provide for a credit to developers against the otherwise applicable park donation requirement when their developments provide on-site park land and recreational facilities. The rationale for this credit is that the availability of on-site park land and recreational facilities reduces the demand for and burden on municipally-provided recreational land and facilities. Libertyville's code goes further by stating that developers should receive 100% credit for such facilities. In the case of the other eight municipalities we surveyed, the credit awarded to the developer is left to negotiation between the developer and municipal officials.

3) **404 Social will provide publicly accessible on-site recreational land and improvements.**

ECD proposes to improve nearly 1.7 acres of publicly accessible recreational space around the perimeter of 404 Social. This land will be improved with a one-half mile long paved walking/jogging path, outdoor fitness equipment, benches, refuse receptacles, a kayak dock, a drinking fountain, pedestrian lighting and highly attractive landscaping. These amenities will provide publicly available recreational resources that will have the effect of drawing the Village's general daytime and fulltime populations to CityPark. As a result, 404 Social's public amenities will provide an alternative recreational source to the Village's park system for the Village's existing general population.

Compared to other nearby luxury residential developments, 404 Social is offering far superior recreational amenities. The Perman Group surveyed five other residential developments--Woodview Deerfield, AMLI Deerfield, Tapestry

Glenview, Aloft at the Glen in Glenview, and 770 NorthShore in Northbrook, which is under construction. Of these five developments, only Woodview offers any kind of recreational amenity that is open to the public. Woodview has an open lawn, with minimal landscaping, that runs the length of the east side of the development, which could be used for dog walking or strolling. Woodview does not provide walking paths or other public amenities. The other four developments front on asphalt parking lots, shopping centers or busy roads and are not conducive to the kind of recreational activities that 404 Social will be providing to its residents and making available to the public (*See* photographs attached as Exhibit “A”).

The estimated cost to construct these publicly accessible amenities is **\$800,874** as shown on the attached exhibit. This cost does not include the ongoing expense of maintaining those facilities, which will be the ongoing responsibility of 404 Social’s ownership.

4) 404 Social will provide private on-site OUTDOOR recreational land and improvements.

In addition to publicly accessible facilities, 404 Social will include a multitude of private outdoor recreational and social elements to keep 404 Social residents and their guests “on campus,” which will largely reduce any reason for 404 Social residents to utilize any Village park. These private outdoor facilities will include three outdoor courtyard recreational spaces, a swimming pool and a rooftop terrace. The estimated improvement cost of these private outdoor community amenities is **\$806,300**, as shown on the attached exhibit. This estimated cost does not include the cost for substantial inside private communal amenities that will also keep 404 Social residents “on-campus”.

Calculation of Request for a Reduction in Fee-in-Lieu of Park Donation

Based on the elements described above, ECD Company respectfully requests Board approval of a reduction in the park impact fee payable to the Village as a result of 404 Social’s construction, as contemplated by Section 7-7-2(A) of the Village Code, as follows:

- A.) Reduction in the assumed average number of persons per apartment unit at 404 Social to 1.58, which results in a total projected population of 478 persons and a park impact fee of \$2,600,522;
- B.) Further reduction in the park impact fee by \$800,874 to reflect the costs incurred in providing and improving 1.66-acres of publicly accessible land that will surround the 404 Social buildings; and
- C.) Credit for 70% of the cost of 404 Social’s private outdoor community amenities, resulting in a further reduction in the park impact fee by \$564,000;

Accordingly, ECD Company respectfully requests Board approval of a fee-in-lieu of park land donation for 404 Social of \$1,235,648 calculated as follows:

\$2,600,522
 (-\$800,874)
 (-\$564,000)
\$1,235,648

This cash contribution represents 43% of the total amount of \$2,880,325 that would otherwise be payable based 404 Social's projected population as determined by Rutgers University and the ISCS tables, but before factoring in appropriate adjustments to account for the actual apartment unit population of nearby multi-family luxury apartment communities.

ECD Company firmly believes the requested cash contribution of \$1,235,648 will more than offset any demand for additional park land or park facilities that might be created by the residents of 404 Social.

B. Request for Deferred Payment of All Impact Fees until Issuance of Building Permits for the 404 Social Buildings

Since there is no impact on a municipality's school, library or park facilities until occupancy of a proposed residential development actually occurs, many municipalities do not require payment of required school, library or park impact fees until the time of issuance of a building permit for such development. In fact, some municipalities go so far as to not require such impact fee payments until issuance of a certificate of occupancy for a given residential development.

For example, the municipalities identified below agreed to defer payment of project impact fees for the following projects to the following times:

<u>Project</u>	<u>Location</u>	<u>Time Fees are Required to be Paid</u>
Woodview	Deerfield	Building Permit
AMLII	Deerfield	First Certificate of Occupancy
Northshore 770	Northbrook	Temporary Certificate of Occupancy

In addition, the Glenview Village Code provides for payment of project impact fees at building permit as was required for the recently approved Tapestry apartment community in Glenview.

Similarly, ECD Company respectfully requests deferred payment of all required impact fees until the time of issuance of building permits for the 404 Social buildings rather than at the time of final plat or planned development approval. This request is premised on the reality that, until 404 Social is constructed and

occupied, there will be no impact from 404 Social on the community's school, library or park systems or facilities. Neither final plat or planned development approval for the overall 404 Social/Regal Theater project nor ECD's commencement of construction of the Regal Theater site and building improvements will have any impact on those systems or facilities.

In addition, ECD Company has an immediate need to proceed with the partial demolition and overall renovation of the Regal Theater building to satisfy its obligations under its lease with Regal. This cannot occur until the recording of a final plat of subdivision to establish the proposed Regal Theater lot and its associated improvements separate and apart from the proposed 404 Social lot and its associated improvements, which we understand is a condition precedent to the Village's review of the engineering plans for the Regal Theater lot. As a result, ECD is precluded from initiating the Village engineering plan review process necessary for the Village's eventual issuance of the permits required for us to renovate and partially demolish the Regal Theater building and construct each of the Regal Theater's site plan modifications, modified stormwater system and new fire suppression water loop. In discussing various project safety considerations with the Lincolnshire-Riverwoods Fire Protection District and the Village's Community and Economic Development personnel, we determined key reasons why the interior renovation of the Regal Theater building is best completed in synchronization with that building's partial demolition to remove the six southernmost auditoriums.

To protect the patron base of the Regal Theater, which is in best interests of the Village and the other taxing districts, it is critical that ECD be allowed to move forward as soon as possible, and before construction of the 404 Social buildings commences, with the construction of project site development work and the Regal Theater building modifications. Needless to say, the impact fees the Village requires and that ECD Company will pay are a function of the development and occupancy of the 404 Social dwelling units, not final plat of subdivision approval or the construction of the Regal Theater site and building improvements.

For the foregoing reasons, in accordance with Section 7-7-2(A)(2) of the Village Code, ECD Company respectfully requests it be allowed to defer payment of all impact fees the Village ultimately requires ECD to pay until issuance of a building permit for construction of the 404 Social buildings. Consistent with that Section of the Code, the overall 404 Social/Regal Theater project is substantial in size and will be completed in logical phases, with the first phase being subdivision and construction of the Regal Theater site and building improvements, and the second phase being construction of the 404 Social site and building improvements.

- Innovative Private Community Amenities
- Community Room, Party Room, Lounge & Bar
- Fitness, Yoga Lab, Eucalyptus
- Media & Business Center
- Bicycle Storage & Maintenance
- Keynote Storage, Photo Lounge
- Community & Fitness Programs
- Lounge by Courtyard

- West Building:
- East Building:
- West Building:
- East Building:

- Washing Deck
- Navy Deck
- Fitness Equipment
- Storage Room
- Reception Area
- Truck Bldg. Deck
- Site Lighting
- Swimming Pool



Public and Private Community Amenities



404 Social
City Park
Lincolnshire, Illinois

North 0 50 100 200 Feet
 42 South Mid. Avenue
 Addison, Illinois 60101
 Job No. 15252 © 2016
 April 29, 2016
 Architects - HOK

Table #1: Type of Bedroom Unit Distribution

	Reserve Glenview (2015)	Woodview, Deerfield (2015)	AML Deerfield (2015)	The Parker, Park Ridge (2015)	NorthShore 770, Northbrook (2016)	404 Social
Studio	15	22	22			21
1 BR	132	112	128		148	120
2 BR	74	110	90	144	199	146
3BR	17	3				15
Total	238	247	240	144	347	302

Table #2: the Number of Bedrooms is a Good Predictor for the Number of Occupants

	Reserve Glenview (2015)	Woodview, Deerfield (2015)	AML Deerfield (2015)	The Parker, Park Ridge (2015)	NorthShore 770, Northbrook (2016)	404 Social
Total # of Units	238	247	240	144	347	302
Current Availability	2 = Studio 15 = 1 BR 15 = 2BR 9 = 3BR	89% leased	152	5	38% leased	
Total # of Bedrooms	346	363	330	288	546	478
Avg. # of Bedrooms/Unit	1.45	1.47	1.37	2.0	1.57	1.58
Current # of Residents	302	N/A	118	238	N/A	478 est.
Avg. Occupancy/Unit	1.53	N/A	1.34	1.71	N/A	1.58 est.

Note: Studios are treated as one bedroom for purposes of calculating the total # of bedroom

Table #3: Estimated Occupancies in Nearby Proposed Developments and Accepted by Municipalities

	Woodview Deerfield (2015)	NorthShore 770, Northbrook (2016)	AML I Deerfield (2015)	404 Social
Total # of Units	260	347	240	302
Estimated Population	380	546	418	478
Estimated Avg. Occupancy/Unit	1.46	1.57	1.74	1.58

Note: Studios are treated as one bedroom for purposes of calculating the total # of bedroom

Woodview Deerfield



Enclosed Dog Run (private), adjacent to parking lot.



Sidewalk next to parking lot.



East side lawn facing Edens Expwy.

AMLI Deerfield



South side public street.



West side street separating parking lot.



Private driveway in northeast corner.

Tapestry Glenview



West side fronting on shopping center



Public street on back end.



Sidewalk betw. residences & shopping center.

Aloft at the Glen



Back street with parking.



View of parking on utility road.



Tower Drive at entrance to residences.

770 NorthShore



Front entrance.



Front looking out at Skokie Blvd.



Back side of residences.

City Park 404 Social - Lincolnshire, IL

Outdoor Cost to Improve Open to the Public Communal Spaces

ECD Lincolnshire - Perimeter Path/Park Order of Magnitude Summary

Item	Unit		Unit Cost	Total
Earthwork - Site Grading/Prep	72,310	sf	\$ 0.75	\$ 54,233
Asphalt Walkway	1,273	sy	\$ 40.00	\$ 50,920
Green Grd Reinforcement at Walkway	11,656	sf	\$ 13.00	\$ 151,528
Site Concrete at Dock	3,769	sf	\$ 5.00	\$ 18,845
Retaining Wall	163	lf	\$ 100.00	\$ 16,300
Sheeting at Dock	200	lf	\$ 75.00	\$ 15,000
Landscaping	1	ls	\$ 100,427.00	\$ 100,427
Topsoil for Landscaping	1,044	cy	\$ 62.53	\$ 65,282
Irrigation	72,310	sf	\$ 1.00	\$ 72,310
Installation of Exercise Equipment	3	ls	\$ 10,000.00	\$ 30,000
Kayak Dock	1	ls	\$ 40,000.00	\$ 40,000
Site Furnishings				
- Fitness Equipment			\$ 35,000.00	\$ 35,000.00
- Balance Bench	5	ea	\$ 2,500.00	\$ 12,500
- Dispatch Litter	7	ea	\$ 1,500.00	\$ 10,500
- Twist Blke Rack	5	ea	\$ 1,000.00	\$ 5,000
Site Lighting	1	ls		\$ 20,000
Contingency	5%		\$ 697,844.50	\$ 34,892
TOTAL				\$ 732,737

General Conditions \$ 30,000

Fee \$ 38,136.84

Total

\$ 800,874

City Park 404 Social - Lincolnshire, IL - Improvement Cost for Outdoor Private Am

HKM Job No. 15022

Updated: 5/1/16

Community Areas Outdoor Private Amenities: West Building					
Location	Space	SF	Sub-totals	Unit Cost	Total

Exterior	Courtyard 1 (w/ Sundeck & Grills)	5,000 sf		\$20.00	\$100,000
	Courtyard 2 (w/ Bocce Ball)	7,100 sf		\$15.00	\$106,500
	Community Room Patio	1,500 sf		\$25.00	\$37,500
			13,600 sf		
Total (West Building)		16,120 sf			\$244,000

Community Areas Outdoor Private Amenities East Building					
Location	Space	SF	Sub-totals	Unit Cost	Total
Exterior	Roof Deck Bar	3,000 sf		\$60.00	\$180,000
	Pool Courtyard	10,300 sf		\$30.00	\$309,000
			13,300 sf		
Total (East Building)		24,960 sf			\$489,000

GLs, GCs, Fee 10% \$73,300

Total \$806,300

70% Cost Round to:
\$564,000

Municipality	Population	Median HHI	Estimated Population Source	Required Park Space Acres	Fair Market Value of Park Land	Credit for Private Space?	Separate Park District?	Other Comments
Lincolnshire	7,292	\$111,250	2000 U.S. Census avg. persons/unit	10	\$545,000	No	No	ISCS (1993) used for schools
Libertyville	20,512	\$112,572	ISCS (1983)	15	\$250,000	Yes, 100%	No	
Deerfield	18,385	\$135,754	ISCS (1996)	15	\$175,000	Yes	Yes	
Lake Bluff	5,698	\$133,179	ISCS (1993)	7.3	\$583,200	Yes	Yes	
Highland Park	28,871	\$115,382	ISCS (1996)	10.5	N/A	Yes	Yes	Calculation is # of residents x capital cost per resident as derived from Park District's triennial needs assessment.
Northbrook	33,655	\$115,085	ISCS (1996)	5	\$500,000	No	Yes	
Buffalo Grove	41,341	\$96,768	ISCS (1996)	5.5	\$175,000	Yes	Yes	
Glenview	46,767	\$92,304	ISCS (1996)	5	\$500,000	Yes	Yes	
Hoffman Estates	52,347	\$83,518	ISCS (1996)	5.5	Determined by appraiser	No	Yes	Appraiser hired by developer.
Naperville	146,128	\$109,512	ISCS (2000)	8.6	\$323,600	Yes	Yes	Population estimate assumes 50% 1BR & 50% 2BR. \$900/unit
Elmhurst	45,751	\$95,240	N/A	N/A	N/A	No	Yes	
Downers Grove	49,715	\$85,020	ISCS (1996)	5.5	\$545,000	Yes	Yes	
Wheaton	52,978	\$84,833	ISCS (1983)	5.5	\$150,000	Yes	Yes	

ISCS = Illinois School Consulting Service/Associated Municipal Consultants, Inc. (ISCS) Table of Estimated Ultimate Population Per Dwelling

ISCS 1983				
	# of Units	Avg. # Occupants	Est. # Occupants	Avg. # Occupants Total
Studio	21	1.0	21	
1BR	120	1.19	142.8	
2BR	146	1.66	242.4	
3BR	15	2.81	42.1	
Total	302		448.3	1.48

ISCS 1993				
	# of Units	Avg. # Occupants	Est. # Occupants	Avg. # Occupants Total
Studio	21	1.36	28.6	
1BR	120	1.75	210	
2BR	146	1.82	265.7	
3BR	15	3.02	45.3	
Total	302		549.6	1.82

ISCS 1996				
	# of Units	Avg. # Occupants	Est. # Occupants	Avg. # Occupants Total
Studio	21	1.29	27.1	
1BR	120	1.76	211.2	
2BR	146	1.91	278.9	
3BR	15	3.05	45.7	
Total	302		563	1.86

ISCS 2000				
	# of Units	Avg. # Occupants	Est. # Occupants	Avg. # Occupants Total
Studio	21	1.21	25.4	
1BR	120	1.76	211.2	
2BR	146	1.91	278.9	
3BR	15	2.69	40.3	
Total	302		556	1.84

CHAPTER 7

DONATIONS

SECTION:

- 7-7-1: General Information**
- 7-7-2: Requirements for Compliance**
- 7-7-3: Indemnification and Covenant Not to Sue**
- 7-7-4: Appeals**

7-7-1: GENERAL INFORMATION:

As a condition of approval of a final plat of subdivision, final plat or final site plan for a planned unit development each subdivider or developer shall be required to:

- ! Dedicate land for park and school sites, make a cash contribution in lieu of actual land dedication, or provide a combination of both, and
- ! Make a cash contribution for library purposes to serve the immediate and future need of the residents of the development in accordance with the criteria and formula in this Chapter. All donations required hereunder shall be made prior to, and as a condition of, approval of the subdivision plat by the Village unless otherwise provided for in this Chapter.

All land dedications and cash contributions shall be made by the subdivider or developer upon approval of a final plat or plan by the Corporate Authorities unless otherwise provided for in this Chapter. No plat or plan shall be recorded with the Lake County Recorder of Deeds until said donations have been made in accordance with the provisions of the Chapter.

It is recognized that local conditions change over the years and the variables used in calculating the land dedication and cash contributions may require periodic review and amendment if necessary.

7-7-2: REQUIREMENTS FOR COMPLIANCE:

A. REFERRAL: Upon referral of a subdivision or planned unit development by the Corporate Authorities to the applicable Boards, Commission and Districts for review, the subdivider or developer shall consider one of the following methods for compliance with the terms of this Chapter.

1. Donation Requirements: The subdivider or developer shall agree to make all land dedications and pay all cash contributions as required in this Chapter of the Village Code.
2. Written Agreement: The subdivider or developer shall negotiate the donation and present a written agreement to the Corporate Authorities for consideration.

If the development is determined by the Administrative Staff to be a substantial size and it will be completed in logical phases, the subdivider or developer may petition the Corporate Authorities to allow payment of the cash contribution by phases of development. Said Agreement shall contain the dates and amounts of subsequent payments. The Corporate Authorities may require that sufficient security be deposited with the Village for any such delayed contribution to insure that actual payment is made in sufficient time to meet the impact of the subdivision or planned unit development.

The negotiation of donations may occur between the:

- a. Village of Lincolnshire and Subdivider/Developer: The subdivider or developer shall enter into an Agreement with the Village after a negotiated donation has been presented for consideration whereby the amount of the park, schools, and/or library donations and the date of payment shall be established based on the following:
 - 1) An independent consultant will be selected and retained by the Village at the developer's expense to study the actual impact the proposed development will have on each applicable taxing district and shall include at a minimum:
 - a) A review of each taxing district's capital budget.
 - b) The ability of each taxing district to provide services to new residents at the same level of

service provided to the existing households.

- c) The Capital Improvement Plan for the taxing district.
- d) Any other information the Village may require to make an informed decision.

If the independent study indicates a higher contribution per residential unit than established by the provisions of this Chapter the subdivider or developer may negotiate a settlement with each taxing district provided however, that the negotiated donations are no less than what the requirements of this Chapter.

- b. Taxing District and Subdivider/Developer: The subdivider or developer may negotiate a land dedication, cash contribution or combination of both, with one or more of the taxing districts and present the written agreement to the Corporate Authorities for consideration at the time of final plat/plan approval. The subdivider or developer shall be responsible for obtaining and providing the Village with a separate written confirmation of the agreed final contribution signed by a representative of the individual taxing district.

- B. CONSIDERATION: During consideration of the development proposal the developer or subdivider shall submit written verification that indicates the predominant (50% or more) residence size by bedroom anticipated for the subdivision or planned unit development. This information will be used by the Village to calculate the amount of donations.

The subdivider or developer shall be responsible for making additional cash contributions when the residence size for the number of dwelling units actually constructed in the subdivision or planned unit development *is greater* than the donations made upon approval of the development. The subdivider or developer may file a written appeal for a partial refund of donations when the residence size for the number of dwelling units actually constructed *is less* than that used to calculate the donations.

- C. APPROVAL: Prior to consideration of a final plat of subdivision or planned unit development by the Corporate Authorities, the Plan Commission, Park Board, Site Plan Review Board and School Districts shall make a recommendation regarding whether the donation should be land, cash in-lieu of land, or a

combination of both. The recommending Boards, Commission and Districts shall base their recommendation on the criteria established in the specific regulations of this Chapter.

7-7-3: INDEMNIFICATION AND COVENANT NOT TO SUE:

The Village is not obligated to cause the payment of money or the transference of land to School Districts, or other Districts that could benefit from donations made by developers and subdividers. Therefore any School District, Library District and any other District for which donation is collected by the Village for said District's use recognizes that the Village may, at its sole discretion, amend its ordinances or annexation agreements or its practices so as to discontinue the payment of donations to the said District(s), and, as a condition of receiving donations hereunder, agrees to indemnify and hold harmless the Village from any loss, claims, debts, causes of actions or liabilities of every kind incurred by the Village as either a direct or indirect result of the passage of this Chapter, the administration or enforcement thereof, or the failure to administer or enforce the same including any incurred as a result of a lawsuit brought or threatened by any such District. The Village shall undertake the defense against any suit or claim, subject to indemnification and reimbursement of fees and costs from the Districts whose donations are involved or gave rise to the claim or suit. The costs of said defense shall be borne proportionately by all Districts whose donations are involved, concerned or gave rise to the suit or claim, and shall be paid promptly upon billing.

In the event that a final determination is made by a court of competent jurisdiction that contributions of land or money received by the District(s) receiving the donation(s) are, in whole or in part, excessive, the receiving District(s) shall promptly repay to the person who procures such a judgement against the Village or the District(s), together with such other amounts judged by the court to be owing from the Village and/or District(s).

Lincolnshire-Prairie View Elementary District No. 103, Aptakisic-Tripp Elementary School District No. 102, Adlai E. Stevenson High School District No. 125, and the Vernon Area Public Library District further covenant and agree, in addition to the indemnification and reimbursement undertaken herein, not to sue the Village of Lincolnshire for any claim arising directly or indirectly out of the passage of this Chapter or the administration or enforcement thereof, or the failure to administer or enforce the same in return for the Village considering the requirement that developers and subdividers make donations to them.

7-7-4: APPEALS:

Within ten days from the receipt of the determination of the amount in donations due under this Chapter from the Village, a subdivider or developer may appeal the amount of the donation(s) in a writing filed with the Village Clerk. The Notice of Appeal must include evidence falling into substantial question the amount(s) determined by the Village to be due. Upon the Notice of Appeal, containing the required showing, and the deposit as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code on account for fees and costs, the Village will retain an independent consultant at the subdividers' or developers' expense, to review the estimated population to be generated from the subdivision or planned unit development, and impact that the proposed development or subdivision will have on the applicable taxing district. The Corporate Authorities retain the authority to make the final determination on the proper amount of donation(s) based on the information supplied with the Notice of Appeal, by the Districts to be benefitted, in the Village records, and by the independent consultants.

A subdivider, developer, and/or taxing district shall have the right to appeal the established Fair Market Value of Land on file with the Village of Lincolnshire. Said appeal shall be determined in the same manner as donations, but the independent consultant shall be qualified as an M.A.I. appraiser.

CHAPTER 7

DONATIONS

ARTICLE A. SCHOOL DONATIONS

SECTION:

- 7-7A-1: General Information**
- 7-7A-2: Variables For Calculation**
- 7-7A-3: Land Dedication Criteria**
- 7-7A-4: Cash Contribution Criteria**
- 7-7A-5: Combination Land Dedication and Cash Contribution Criteria**

7-7A-1: GENERAL INFORMATION:

The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land dedication, cash contribution, or combination of both required for the school donation.

The school district shall be notified that the Village is considering a residential subdivision or planned unit development by means of an elected school board member representing the district as an ex-officio member of the Lincolnshire Plan Commission, or through correspondence by the Department of Community Development in accordance with the State of Illinois law.

7-7A-2: VARIABLES FOR CALCULATION:

The land dedication, cash contribution, or combination of both for school donations shall be calculated independently for each school classification identified in this Section: Elementary, Junior High, and High School utilizing the following variables:

- A. **TABLE OF SCHOOL SIZE SITES BY GRADE CLASSIFICATION:** School classifications and size of school sites within the Village shall be determined in accordance with the established criteria in the following table:

Table of School Size Sites by Grade Classification		
School Classification by Grade	Maximum Number of Students for Each Such School Classification	Minimum Number of Acres of Land for Each School Site of Such Classification
Elementary Schools, Grades - Kindergarten through 5th (K-5)	600 students	11 acres
Junior High Schools Grades 6th through 8th (6-8)	900 students	29 acres
High Schools, Grades 9th through 12th (9-12)	2,500 students	50 acres

B. **TABLE OF ULTIMATE SCHOOL POPULATION PER DWELLING UNIT:** The following table of estimated ultimate school populations per dwelling unit is generally indicative of current and short-range projected trends in school population per dwelling unit and shall be used in calculating the amount of required dedication of acres of land or cash contributions. This data shall be used unless a written appeal is filed thereto by the subdivider or developer in accordance with the provisions of this Chapter, or if a Written Agreement otherwise establishes an acceptable dedication or contribution.

In applying the following table of population density to a subdivision for which the types of units and number of bedrooms cannot reasonably be determined from the data on file with the Village at the time of approval of the subdivision plat, the following types of units and bedroom data shall be used.

Table of Estimated Ultimate School Population Per Dwelling Unit¹			
	Elementary Grades K-5 5-10 Years	Junior High Grades 6-8 11-13 Years	High Grades 9-12 14-17 Years
Detached Single Family			
2 Bedroom	.122	.041	.020
3 Bedroom	.346	.138	.142
4 Bedroom	.470	.303	.303
5 Bedroom	.314	.231	.212
Attached Single Family			
1 Bedroom	0	0	0
2 Bedroom	.095	.077	.037
3 Bedroom	.237	.064	.066
4 Bedroom	.345	.155	.168
Apartments			
Efficiency	0	0	0
1 Bedroom	.002	.001	.001
2 Bedroom	.082	.041	.042
3 Bedroom	.230	.123	.116
¹ Source: Illinois School Consulting Service/Associated Municipal Consultants, Inc.; Naperville, IL, 1993			

C. FAIR MARKET VALUE OF LAND: The present fair market value of improved land in and surrounding the Village for one (1) acre of land based on an

appraisal completed by an M.A.I. appraiser shall be maintained on file in the Department of Community Development and as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Said figure shall be used in making any calculation herein.

7-7A-3: LAND DEDICATION CRITERIA (SCHOOLS):

A. FORMULA: The required school land dedication shall be determined in accordance with the formula below based on the established criteria in the "Table of School Size Sites by Grade Classification" and the "Table of Estimated School Population per Dwelling Unit". The end product shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increase in the number of children for each school classification.

$$\frac{\text{Estimated Ultimate School Population per Dwelling Unit}}{\text{Maximum \# Students for School Classification}} \times \text{Minimum \# Acres of Land Needed for School Classification}$$

B. LAND CONDITIONS: Land Dedications for school sites shall at a minimum meet the following criteria.

1. Topography and Grading: The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes.
2. Improved Sites: All sites must be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor.
3. Reservation of Additional Land: Where the Village of Lincolnshire Comprehensive Plan or adopted plan of an applicable school district indicates a larger amount of land for a school site in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the affected school district(s) designated by the Village. Such acquisition shall be made by the school district within one year from the date of approval of the final plat or plan.
4. Combining with Adjoining Developments: Where the subdivision or planned unit development is less than forty (40) acres, a school site which is to be dedicated should be combined with dedications from

adjoining developments if possible in order to produce usable school site without causing a hardship on a particular developer.

- C. **CRITERIA FOR LOCATION AND DESIGN STANDARDS:** The Comprehensive Plan of the Village or the standards adopted by the affected school district shall be used as a guideline in locating sites.
- D. **SUBDIVIDER OR DEVELOPER RESPONSIBILITY:** The subdivider or developer shall be responsible for providing the following information to the Village prior to consideration of final approval of a plat or plan.
1. Dedication of land on the Plat of Subdivision or Plat of Dedication.
 2. Title or Warranty Deed transferring the land from the subdivider or developer to the applicable taxing district. Titles shall be shown to be free of all liens, encumbrances, easements, covenants and restrictions or other matters as may impair the ability of the appropriate governmental unit to use the property for its intended purpose as determined by the Corporate Authorities. A commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title.
 3. Legal description in an 8-1/2" x 11" format.
- E. **SCHOOL DISTRICT RESPONSIBILITY:** Written acceptance from the school district shall be submitted to the Village of Lincolnshire (Department of Community Development) within 15 days of receipt of title for the dedicated land.

7-7A-4: CASH CONTRIBUTION CRITERIA (SCHOOLS):

The Village shall require the subdivider or developer to pay a cash contribution as provided herein in lieu of the land dedication requirement when:

- ! The subdivision or development is small and the resulting land dedication for school purposes would not meet the criteria set forth in this Chapter, or
- ! The available land is of a nature and/or location inappropriate for a school site as determined by reference to adopted plans of the Village and school district and based on such factors as topography, shape of site, accessibility, proximity to other parks, schools and Municipal services, safety and other environmental and use factors.

The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved as specified herein that otherwise would have been dedicated as a school site.

- A. **METHOD OF CALCULATION:** The cash contribution in lieu of school land dedication shall be determined by multiplying the minimum number of acres of land needed for the school classification times the fair market value of one acre of improved land as determined by an M.A.I. appraiser.
- B. **SUBDIVIDER OR DEVELOPER RESPONSIBILITY:** In those cases where a cash contribution is required to be paid to the Village an Agreement and Notice as specified in this Title shall be placed on all final plats of subdivision.

The cash contribution and all development review fees shall be paid to the Village prior to the recording of the final plat of subdivision or plan at the office of the Lake County Recorder of Deeds and before any development occurs on the subject property. Cash contributions shall be deemed made upon deposit with the Village of cash, a certified or cashier's check, or security approved by the Corporate Authorities.

C. **SCHOOL DISTRICT RESPONSIBILITY:**

1. **Conditions of Acceptance:**

- a. The school district agrees that the contribution shall be solely for the purposes set forth in Title 7: Subdivisions and Land Development, of the Lincolnshire Village Code. Specifically, the school district agrees that the contribution shall be for the use in the acquisition of land to serve the immediate or future needs of residents from that subdivision or development; for the capital improvement of any existing school facility which already services such needs; or for the construction of any buildings or additions thereto necessary to serve such needs.

In the event a school district refuses to accept the cash contribution under the established terms and conditions, the cash contribution shall be immediately returned to the subdivider/developer.

- b. The cash contribution shall be held by the affected school district in a special trust fund. Any interest which accrues on said special trust fund shall also be used solely for the purposes set forth in this Chapter.

- c. The school district agrees that if any portion of a cash contribution is not expended for the purposes set forth herein within ten (10) years from the date of receipt it shall be refunded to the subdivider or developer who made such contribution. The developer shall file a written request with the Village within one year after expiration of the ten (10) year period specifying the portion not so expended.
2. Obligations after Acceptance:
- a. Immediate: Written acceptance from the school district shall be submitted to the Village of Lincolnshire (Department of Community Development) within 15 days of receipt of the cash contribution.
 - b. Annual: The school district shall annually account to the Director of Financial Systems of the Village for all expenditures made and interest earned from said cash contributions. The annual accounting shall be made within sixty (60) days of the end of the districts fiscal year. Cash contributions will be withheld until said report is received by the Village.

7-7A-5: COMBINATION LAND DEDICATION AND CASH CONTRIBUTION CRITERIA (SCHOOLS):

In the event an identified school site is:

- ! Located on more than one development parcel or property, or
- ! Only a portion of the development property is needed to complete a designated school site

A combination of land dedication and cash contribution for a subdivision or planned unit development may be necessary and shall be in accordance with all regulations of this Title, and the following:

Land Dedication: That area designated for a school site on the development parcel shall be dedicated.

Cash Contribution: The cash contribution shall be based on the difference between the acres of land which will be dedicated for the school site and the total acres required for school site land dedication in the development.

CHAPTER 7

DONATIONS

ARTICLE B. PARK DONATIONS

SECTION:

- 7-7B-1: General Information**
- 7-7B-2: Variables For Calculation**
- 7-7B-3: Land Dedication Criteria**
- 7-7B-4: Cash Contribution Criteria**
- 7-7B-5: Combination Land Dedication and Cash Contribution Criteria**

7-7B-1: GENERAL INFORMATION:

The ultimate population to be generated by a subdivision or planned unit development shall bear directly upon the amount of land dedication, cash contribution, or combination of both required for the park donation.

The Village of Lincolnshire Park Board and Plan Commission shall make a recommendation to the Corporate Authorities based on the criteria set forth in this Chapter as to the preferred park donation. Said recommendation shall be made after full consideration of all adopted plans have been reviewed in the context of accepted site planning, zoning, environmental, maintenance and other issues of concern which will effect the Village in the future.

7-7B-2: VARIABLES FOR CALCULATION:

The land dedication, cash contribution, or combination of both for the park donation shall be calculated utilizing the following variables:

- A. **POPULATION RATIO:** The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be ten (10) acres of land per one thousand (1,000) of ultimate population.(Ord. Amd. 08-3012-40, eff 12/10/07)
- B. **ULTIMATE POPULATION OF PROPOSED DEVELOPMENT:** The ultimate

population will be determined by multiplying the number of residential units times the mean number of persons per occupied housing unit average in the Village as determined by the latest United States Census Bureau or Special Census statistics on file in the Department of Community Development.

$$\# \text{ Dwelling Units } \times \text{ Mean \# of Persons per Occupied Housing Unit } = \text{Ultimate Population of Proposed Development}$$

- C. FAIR MARKET VALUE OF LAND: The present fair market value of improved land in and surrounding the Village for one (1) acre of land based on an appraisal completed by an M.A.I. appraiser shall be maintained on file in the Department of Community Development and as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Said figure shall be used in making any calculation herein.

7-7B-3: LAND DEDICATION CRITERIA (PARKS):

- A. FORMULA: The required park land dedication shall be determined in accordance with the formula below based on the population ratio and ultimate proposed population of the proposed development. The product shall be the acres of land deemed needed to have sufficient land for park sites to serve the estimated increase of residents from the new development.

$$\frac{\text{Ultimate Population of Proposed Development}}{1,000 \text{ Ultimate Population}} \times 10 \text{ acres} = \# \text{ Acres of Park Land to be dedicated}$$

B. LAND CONDITIONS:

1. Topography: The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes.
 - a. Grading: The park site shall be rough graded in accordance with the present Village requirements for final grading and in accordance with grading plans approved by the Village Engineer.
 - b. Drainage: Positive drainage must be insured as indicated on a master drainage plan. The storage of overburden on a park site is prohibited though temporary storage may be granted in some cases provide the terms of such temporary storage have been determined by the Village Engineer.

2. Improved Sites:

Utilities: At the time of installation of public improvements in the subdivision or planned unit development, the subdivider or developer shall install all required public utilities throughout the park site in accordance with the Village approved engineering plans. This work shall be completed prior to acceptance by the Village of the public utilities in the subdivision or planned unit development which includes said park site.

3. Reservation of Additional Land: Where the Comprehensive Plan or the standards of the Village call for a larger amount of park site in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the Village, provided that such acquisition is made within one year from the date of approval of the final plat.

4. Combining with Adjoining Developments: Where the subdivision or planned unit development is less than forty (40) acres, a park which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable park site without hardship on a particular developer.

C. CRITERIA FOR LOCATION AND DESIGN STANDARDS: The following plans shall be adhered to in determining the location(s) of park sites:

- The Village of Lincolnshire Comprehensive Plan
- The Village of Lincolnshire Parks and Open Space Master Plan
- Lake County Open Space Plan
- Northeastern Illinois Open Space Plan
- Lake County Framework Plan
- Des Plaines River Trail Master Plan

Additional guidelines which shall be considered in locating park sites include, but are not limited to, the size of the subdivision, proximity of the site to other parks, schools and Municipal services, topography of the site, shape of the site, accessibility of the site, safety and other environmental and use conditions.

The extent to which the design standards are adhered to will be the basis by which the amount of park site credit will be determined. A reduced amount of park site credit will be granted by the Corporate Authorities should a proposed park site be deficient in one or more of the following park site design standards.

1. Size: The size of a park shall be appropriate to the leisure and recreational needs of the service population as defined by the Village of Lincolnshire Comprehensive Plan and Parks and Open Space Master Plan and shall be consistent with the required donations as set forth in this Chapter.
2. Shape: Park sites should be rectangular or nearly rectangular in shape. An irregular limit of a park may be allowed if defined by a river, lake, pond, rock outcropping, forest, meadow, wetland or other natural feature.
3. Location: Whenever possible park sites shall be located at the geographic center of the service areas. In areas where park sites and/or school sites already exist or have been previously planned, the proposed park donation shall, if possible be located adjacent to or provide appropriate linkage with the existing sites.
4. Access: Access to the park site shall be provided for convenience of pedestrian and vehicular ingress and egress, as well as for visual identity. The minimum required frontage of the park shall be equal to or greater than the longest edge of the park. Any accessway shall be improved with a hard surface walkway eight feet (8') in width constructed to Village specifications. The number of accesses shall vary with the location and type of park site and its relationship to surrounding land uses.
5. Linkage: The linkage of proposed parks with existing parks or with other desirable land uses such as schools, libraries, convenience commercial areas, cultural or institutional centers shall be encouraged. The method of linkage shall include but not be limited to, bike paths and walkways. Land used for linkage purposes shall be included in the calculations of total donation.
6. Grading: Any proposed grading of the park site shall not differ greatly from surrounding land uses. Grades less than two percent (2%) or more than seven percent (7%) will not be acceptable. Exceptions to this may be granted if the developer can show an acceptable secondary use for the grading. Examples are earth berming for visual buffer or aesthetic interest, a sled hill or toboggan run, backstop for special activities and the like. Drainage on the proposed park site shall be such that the site can be used for its intended purpose.
7. Vegetation: The donation of park land shall be planned and designed to minimize impact on vegetation of ecological or aesthetic value. Existing vegetation of value shall be identified by the Village Forester and

protected from damage during the construction process.

Any areas disturbed as a result of construction activity shall be restored to its original condition or in accordance with the Open Space Landscape Standards as determined by the Village. The subdivider or developer shall be responsible for removing invasive and dangerous plant species as required by the Village. The Village shall be given the right to remove/salvage from an area proposed for clearing any desirable plant materials for which the developer has no intended use. The Village will notify the developer of the plant material desired for removal prior to any work commencing on the site and shall remove the plant material within thirty (30) days following the final plan approval.

8. Erosion Control: The developer will be responsible for controlling erosion on the park site until the park site is dedicated to the Village.
9. Water Retention/Detention: Land that is designated for water retention/detention purposes within the area of the proposed development shall not be considered appropriate as a park donation site. However, if suitable recreational uses are shown for land otherwise designated for retention/detention purposes and have been recommended for approval by the Park Board and the Village Engineer as acceptable, then credit may be extended as a park donation site, subject to final approval by the Board of Trustees.
10. Debris: Any accumulated debris on the park site to be dedicated shall be removed by the developer, at developer's expense, prior to acceptance of the land by the Village.

D. **SUBDIVIDER OR DEVELOPER RESPONSIBILITY:** The subdivider or developer shall be responsible for providing the following information to the Village prior to consideration of final approval of a plat or plan.

1. Dedication of land on the Plat of Subdivision or Plat of Dedication.
2. Title or Warranty Deed transferring the land from the subdivider or developer to the applicable taxing district. Titles shall be shown to be free of all liens, encumbrances, easements, covenants and restrictions or other matters as may impair the ability of the appropriate governmental unit to use the property for its intended purpose as determined by the Corporate Authorities. A commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title.

3. Legal description in an 8-1/2" x 11" format.

7-7B-4: CASH CONTRIBUTION CRITERIA (PARKS):

The Village shall require the subdivider or developer to pay a cash contribution as provided herein in lieu of the land dedication requirement when:

- ! The subdivision or development is small and the resulting land dedication for park purposes would not meet the criteria set forth in this Chapter, or
- ! The available land is of a nature and/or location inappropriate for a park site as determined by reference to adopted plans of the Village and based on such factors as topography, shape of site, accessibility, proximity to other parks, schools and Municipal services, safety and other environmental and use factors.

The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved as specified herein that otherwise would have been dedicated as a park site.

A. **METHOD OF CALCULATION:** The cash contribution in lieu of park land dedication shall be determined by multiplying the required number of acres of park land to be dedicated times the fair market value of one acre of improved land as determined by an M.A.I. appraiser.

B. **SUBDIVIDER OR DEVELOPER RESPONSIBILITY:** In those cases where a cash contribution is required to be paid to the Village an Agreement and Notice as specified in this Title shall be placed on all final plats of subdivision.

The cash contribution and all development review fees shall be paid to the Village prior to the recording of the final plat of subdivision or plan at the office of the Lake County Recorder of Deeds and before any development occurs on the subject property. Cash contributions shall be deemed made upon deposit with the Village of cash, a certified or cashier's check, or security approved by the Corporate Authorities.

C. **VILLAGE RESPONSIBILITY:**

1. **Conditions of Acceptance:**

- a. The Village of Lincolnshire agrees that the contribution shall be solely for the purposes set forth in Title 7: Subdivisions and Land Development, of the Lincolnshire Village Code.

Specifically, the Village agrees that the contribution shall be for the use in the acquisition of land to serve the immediate or future needs of residents from that subdivision or development; for the capital improvement of any existing park facility which already services such needs; or for the construction of any buildings or additions thereto necessary to serve such needs.

In the event the Village refuses to accept the cash contribution upon said condition, the cash contribution shall be immediately returned to the subdivider/developer.

- b. The cash contribution shall be held by the Village in a special trust fund. Any interest which accrues on said special trust fund shall also be used solely for the purposes set forth in this Chapter.
- c. The Village agrees that if any portion of a cash contribution is not expended for the purposes set forth herein within ten (10) years from the date of receipt it shall be refunded to the developer who made such contribution. The developer shall file a written request with the Village within one year after expiration of the ten (10) year period specifying the portion not so expended.

7-7B-5: COMBINATION LAND DEDICATION AND CASH CONTRIBUTION CRITERIA (PARKS):

In the event an identified park site is:

- ! Located on more than one development parcel or property, or
- ! Only a portion of the development property is needed to complete a designated park, or
- ! The proposed park site donation is deficient in one or more of the park site design standards resulting in a reduction in the amount of park site credit granted (as determined by the Corporate Authorities)

A combination of land dedication and cash contribution for a subdivision or planned unit development may be necessary and shall be in accordance with all regulations of this Title, and the following:

Land Dedication: That area designated for a park site on the

development parcel shall be dedicated.

Cash Contribution: The cash contribution shall be based on the difference between the acres of land which will be dedicated for the park site and the total acres required for park land dedication in the development.

CHAPTER 7

DONATIONS

ARTICLE C. LIBRARY DONATIONS

SECTION:

- 7-7C-1: General Information**
- 7-7C-2: Variables For Calculation**
- 7-7C-3: Cash Contribution Criteria**

7-7C-1: GENERAL INFORMATION:

The Corporate Authorities have found that the public interest, convenience, health, welfare and safety requires the continued support of and financial assistance to the Vernon Area Public Library. The ultimate number of families to be generated by a subdivision or planned unit development shall therefore, bear directly on the amount of the library donation.

7-7C-2: VARIABLES FOR CALCULATION:

The Vernon Area Public Library shall provide the Village of Lincolnshire (Department of Community Development) with a basic level of contribution established by projected capital expenditures directly resulting from new residential construction in the Village, including but not limited to, facility construction, expansion and upgrades; bookmobiles; and additional volumes and equipment added to the collection per year.

7-7C-3: CASH CONTRIBUTION CRITERIA (LIBRARY):

The Village shall require the subdivider or developer to make a cash contribution for library purposes as provided herein.

- A. **METHOD OF CALCULATION:** The amount of the contribution for each dwelling unit shall be equal to the basic contribution established by the Vernon

Area Public Library District and approved by the Corporate Authorities for the first bedroom, plus 1/2 the basic contribution for each additional bedroom. The basic contribution approved by the Corporate Authorities shall be maintained on file in the Department of Community Development and as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

- B. SUBDIVIDER OR DEVELOPER RESPONSIBILITY: In those cases where a cash contribution is required to be paid to the Village an Agreement and Notice as specified in this Title shall be placed on all final plats of subdivision.

The cash contribution and all development review fees shall be paid to the Village prior to the recording of the final plat of subdivision or plan at the office of the Lake County Recorder of Deeds and before any development occurs on the subject property. Cash contributions shall be deemed made upon deposit with the Village of cash, a certified or cashier's check, or security approved by the Corporate Authorities.

- C. LIBRARY DISTRICT RESPONSIBILITY:

1. Conditions of Acceptance:

- a. The library district agrees that the contribution shall be solely for the purposes set forth in Title 7: Subdivisions and Land Development, of the Lincolnshire Village Code. Specifically, the library district agrees that the contribution shall be for the use in the acquisition of land to serve the immediate or future needs of residents from that subdivision or development; for the capital improvement of any existing library facility which already services such needs; for the acquisition of additional volumes and equipment; or for the construction of any buildings or additions thereto necessary to serve such needs.

In the event the library district refuses to accept the cash contribution upon said condition, the cash contribution shall be immediately returned to the subdivider/developer.

- b. The cash contribution shall be held by the library district in a special trust fund. Any interest which accrues on said special trust fund shall also be used solely for the purposes set forth in this Chapter.
- c. The library district agrees that if any portion of a cash contribution is not expended for the purposes set forth herein within ten (10) years from the date of receipt it shall be refunded

to the developer who made such contribution. The developer shall file a written request with the Village within one year after expiration of the ten (10) year period specifying the portion not so expended.

2. Obligations after Acceptance:

- a. Immediate: Written acceptance from the library district shall be submitted to the Village of Lincolnshire (Department of Community Development) within 15 days of receipt of the cash contribution.
- b. Annual: The Library District shall annually account to the Director of Financial Systems of the Village for all expenditures made and interest earned from said cash contributions. The annual accounting shall be made within sixty (60) days of the end of the districts fiscal year. Cash contributions will be withheld until said report is received by the Village. (Amend. Ord. 94-1366-50)

Staff Park Donations Research - Surrounding Communities

Community	Private Open Space Credits by Code	Recent Multi-Family Projects	Park Land Cash Contribution Reduction	Donation Payment Schedule
Lincolnshire	No	Proposed 404 Social - 302 luxury apartments	Developer requests a 47.5% reduction after population ratio adjustment and credits.	At final plat of subdivision approval.
		Camberley Club - 86 townhomes	Developer received a 38% park donation reduction.	By code, at final subdivision approval. However, the developer negotiated deferment until last building permit issuance.
Deerfield	Yes	Woodview - 260 luxury apartments	The developer received a \$672,000 reduction from code-required \$1.2 million to \$528,000 (44%).	By code, at final subdivision approval. However, the developer negotiated deferment until building permit issuance.
		AMLI - 240 luxury apartments	The developer received a \$306,600 reduction from code-required \$1.1 million to \$791,000 (18%).	By code, at final subdivision approval. However, the developer negotiated deferment until first certificate of occupancy.
Northbrook	No	NorthShore 770 - 347 luxury apartments	Developer requested a \$800,000 reduction which was denied. They will pay full code-required park impact fees of 1.6 million.	At occupancy permit.
Glenview	Yes	Tapestry - 290 luxury apartments	Developer did not request a reduction. They paid 1.3 million in park impact fees.	At building permit.
Vernon Hills	Yes	The Oaks - 336 luxury apartments	The Village of Vernon Hills indicated they have not required any park impact fees in recent years.	At final plat of subdivision approval.
Buffalo Grove	Yes	N/A	In general, reductions are considered as part of annexation agreements.	At building permit.
Lake Forest	No	Kelmscott Park - 111 luxury apartments	No reduction or deferment was granted. However, the Village will provide TIF benefits to the developer for the development of the former Village-owned land.	At the earlier of final plat of subdivision approval, final development plan approval, building permit issuance or occupancy permit.

ORDINANCE NO. 0-93-48

a requirement adjoining all elementary school sites. A central location which will serve equally the entire development is most desirable. In large developments these sites can be located throughout the development according to established standards for park area distances.

(c) Credit for Private Open Spaces and Recreation Areas.

When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services.

Depending on the size of the development a portion of the park and recreation area in subdivisions or planned unit developments may at the option of the Village Board be provided in the form of "private" open space in lieu of dedicated "public" open space. The extent of same shall be determined by the Village Board, based upon the needs of the projected residents and in conformance to the total park and recreation land for the general area.

In general, a substitution of private open space for dedicated parks will imply a substantially higher degree of improvement and the installation of recreational facilities, including equipment by the developer as part of his obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the Village Board, and before any credit is given for private recreation areas, the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. Private "swimming clubs" are included in this provision. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total park land dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given.

SECTION Criteria for Requiring School Site Dedication.
FIVE:

(a) Requirement and Population Ratio.

The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of: (1) estimated children to be served in each such school classification over the (2) maximum

REQUEST FOR BOARD ACTION
Committee of the Whole
July 11, 2016

Subject:	Lincolnshire Creek Drainage Improvements
Action Requested:	Consideration Professional Service Contract with WBK Engineering, LLC for Drainage Improvement Design, Permits, and Bidding Services (Lincolnshire Creek from Riverwoods Road to Coventry Lane) at a Cost not to Exceed \$49,817.11. (Village of Lincolnshire)
Originated By/Contact:	Walter Dittrich, P.E., Assistant Public Works Director/Village Engineer
Referred To:	Mayor and Board of Trustees

Summary / Background:

Staff issued a Request for Qualifications in April 2016 for consulting engineering services to design and oversee the construction of the Lincolnshire Creek Drainage Improvements.

Staff received proposals from twelve (12) consultants. After a thorough internal review, Staff negotiated a contract with WBK Engineering, LLC. for the design of the project. Staff felt WBK submitted the strongest proposal based on their experience with similar work in other villages with streambank stabilization and their understanding of the project's needs and goals.

During prolonged rain events, the Village experiences flooding and sever erosion along Lincolnshire Creek where it outlets into a short section of 42" pipe which outlets into an open channel before draining into another 42" pipe. Due to the number of 90 degree bends and vegetation throughout the area, it is very difficult to maintain an open flow through this area. Public Works staff has installed multiple temporary fixes over the years to address the collection of debris and erosion. The project will include the evaluation of various design alternatives to allow the existing channel to maintain its flow during peak events while reducing excess debris which leads to erosion issues at the culvert ends. The majority of the drainage channel that carries water from Riverwoods Road to the Village's storm sewer is on private property. The erosion of soil and vegetation from this private property area is a significant cause of system overflow issues and source of maintenance issues for public works staff during intense and prolonged rain events. As such, easements from adjacent property owners will need to be considered during the design process.

The construction phase and engineering construction services of the project are scheduled to begin in 2017 and will be brought forward for the village board's consideration once the bidding for the project is complete.

Budget Impact: The 2016 budget contains funding in the amount of \$35,000.00 for engineering services related to design and contract plan preparation work for this project. The overall contact is approximately \$15,000 over budget. These costs can be accommodated from other projects within the public works budget. For example, the Lincolnshire Drive/Cumberland Drive Drainage Improvement project is currently estimated to be under budget by \$47,000 as construction cost estimates for the Lincolnshire Drive/Cumberland Drive project have come in well above the previously budgeted amount; therefore Staff will be deferring the construction phase of this project to 2017 leaving approximately \$47,000 left in the line item.



**Agenda Item
3.31 COW**

Recommendation: Staff recommends approval of a professional service contract with WBK Engineering, LLC. for performing the design, permitting and bid preparation of the project. This engineering firm has performed design of similar projects for other municipalities and was the most qualified and experienced firm that submitted a proposal to perform the work.

Reports and Documents Attached:

- Project Limit Location Map
- Proposed Professional Service Agreement with WBK Engineering, LLC.

Meeting History	
Initial Referral to Village Board (COW):	July 11, 2016
Regular Village Board Meeting:	July 25, 2016



Looking west from Riverwoods Road



Looking east towards Riverwoods Road from church



Looking west towards Coventry Lane

PROJECT PROPOSAL

Lincolnshire Creek Drainage Improvements | Village of Lincolnshire

June 17, 2016

Mr. Walter Dittrich, P.E.
Assistant Public Works Director/Village Engineer
Village of Lincolnshire
One Olde Half Day Road
Lincolnshire, IL 60069

**Subject: Proposal for Professional Engineering Services
Lincolnshire Creek Drainage Improvements, Riverwoods Road to Coventry Lane**

Dear Mr. Dittrich:

WBK Engineering, LLC (WBK) is pleased to provide this proposal to the Village of Lincolnshire (Village) for professional engineering services to assist the Village in developing engineering plans for improving the drainage on Lincolnshire Creek between Riverwoods Road and Coventry Lane. WBK looks forward to the opportunity to work with the Village on this important project. Included below is our understanding of the assignment, scope of services, project assumptions, and estimate of fee.

UNDERSTANDING OF THE ASSIGNMENT

During prolonged rain events along Lincolnshire Creek between Riverwoods Road and Coventry Lane, the Village experiences flooding and severe erosion along the creek where it outlets into a short section of 42-inch pipe which then outlets into an open channel before draining into another 42-inch pipe. A number of 90-degree bends and extensive vegetation throughout the area make it very difficult to maintain an open flow through this area. As a result, it is our understanding that the Village is requesting engineering services to evaluate various design alternatives to enhance the ability of the existing channel to maintain its flow during peak events and to not get clogged with debris which leads to erosion issues at the culvert ends. The project will culminate with the preparation of construction plans and specifications suitable for bidding, as well as the preparation of the necessary permit applications for the proposed improvements. As such, we envision the following scope of services will be required to meet the Village's project expectations.

SCOPE OF SERVICES

TASK 1: REVIEW EXISTING INFORMATION AND DATA COLLECTION

With each project, it is imperative to understand its history, the information available, the site constraints, and stakeholder expectations. Our first step will be to meet with the Village to identify project objectives, assess drainage issues, and discuss budget and timeline. We will also identify the project stakeholders and property owners and determine the level of involvement of those parties in the drainage improvement/stabilization design. We will review the scope and collect, examine, review and evaluate data to be utilized for the development of the proposed improvements. This data will include at a minimum, existing plans, reports, hydrologic and hydraulic data, maintenance records, utility atlases from both the Village and public utility companies, and design/construction standards. WBK will also coordinate the design JULIE as part of this task so as to identify early on in the process the potential utility conflicts and/or utility coordination requirements. It is also at this time that project team responsibilities and lines of communication will be finalized so as to ensure that project communication is maintained throughout the project.

With the project objectives understood, we will provide a field reconnaissance of the stream reach to gather existing condition information needed to assess the system and gather critical information such as contributing watershed/land use; soil properties and characteristics affecting soil erosivity; site/bank design constraints; stressors to the existing system; and site accessibility.

TASK 2: FIELD SURVEY AND EASEMENT DOCUMENTS

WBK will conduct a topographic survey of Lincolnshire Creek, collecting cross-section shots at approximately 50' intervals, beginning at the at the 42" flared end section at Riverwoods Road, and ending at the 42" flared end section east of Coventry Lane. Each section shall include, but not be limited to, center of creek, toe of channel, and top of bank, and will extend 50' beyond each top of bank. All elevations will be on NAVD 88 datum. The horizontal datum used will be NAD 83, Illinois State Plane (East Zone). From the survey data, an existing conditions drawing will be produced in AutoCAD 2016. It is our understanding that site GIS information will be made available by the Village. Our survey will be used to supplement the Village's GIS information and be used as a basis for our design and final construction plans.

WBK will also perform the research, field work, drafting and legal descriptions necessary under the direct supervision of an Illinois Professional Land Surveyor to produce easement acquisition documents that may be required for construction. The Surveyor will determine the legal boundary of the parcels in question, and prepare plats and /or legal descriptions for easements over those parcels.

TASK 3: ALTERNATIVE ANALYSIS

Given the existing information gathered and based on our reconnaissance of the stream reach, our team will then begin the process of analyzing drainage improvements and stream stabilization alternatives. Our design development will take into consideration cost, stabilization needs, stakeholder requirements and potential impacts, habitat, and identification of existing and future man-made effects. This task will also include a review and/or development of the necessary hydrology and hydraulics to be able to evaluate the suitability and effectiveness of the proposed drainage and stabilization improvements. We will simulate 2, 5, 10, 25, and 100-year rainfall events for the alternatives considered. As we develop our alternatives, we will take into account such design components as site accessibility, constructability, permitting, debris management, and maintenance.

For purposes of this proposal, we will develop and present up to three design alternatives for consideration by Village staff. A brief Alternative Analysis Summary Report will be prepared as part of this task. The report will include a summary of the alternatives considered, backup calculations, concept level costs, and concept level exhibits such that the Village can make an informed decision on a preferred alternative.

TASK 4: DESIGN ENGINEERING OF SELECTED ALTERNATIVE

With approval from Village staff and Board, we will continue the design process and expand upon the selected design alternative. These documents will include design plans, technical specifications/special provisions, and an estimate of construction cost. As we develop our plans, we will take into account such design components as site accessibility, constructability, and maintenance requirements. The project documents will be prepared in accordance with Village of Lincolnshire standards.

The plans will be developed and submitted to the Village as two separate submittals. The first submittal will be Preliminary which will be considered 80% complete, pending review by the Village. The second submittal will be considered 100% complete incorporating Village and stakeholder/regulatory agency review comments. The final plans will be prepared by a registered Illinois Licensed Professional Engineer using MicroStation CAD and following Village standards where needed. Specifications will be prepared in IDOT format. Based upon final plan improvements and quantities, we will provide the Village with an opinion of probable cost to construct the project. We provide this estimate based on our experience with similar projects but cannot guarantee that the work, when publically bid, will be done for the opinion rendered. Additionally, we will provide an estimate of construction time as part of our final construction plan submittal.

Upon approval of final plans, we will prepare construction plans and specifications for construction of the drainage improvements. General construction specifications will be shown on the drawings. We will reference the "Standard Specifications for Road and Bridge Construction," latest edition adopted by the Illinois Department of Transportation. We have

assumed that the Village will provide the upfront bid documentation needed for the contract documents. In addition to the specifications shown on the drawings, we will provide special provisions for contract pay items if appropriate.

TASK 5: WETLAND ASSESSMENT

We will prepare a wetland assessment and delineation of the site in accordance with the requirements of the U.S. Army Corps of Engineers (USACE) and the Lake County Watershed Development Ordinance. An investigation of the project site will be completed to determine the limits of the wetlands present within the provided project boundary. Also, during the site visit, wildlife and plant community qualities will be assessed. The limits of the wetland community will be field staked so that they can be located in relation to the project coordinate system. Pin flags delineating the wetland limits will be surveyed with GPS equipment prior to the report being prepared. The results of the field reconnaissance will be summarized in a letter and report. The wetland's generalized quality ratings, according to the Swink and Wilhelm Methodology (1994), will be included along with exhibits depicting the approximate wetland and project boundaries, National Wetland Inventory, soil survey, floodplain, USGS topography, site photographs and their locations, and the U.S. Army Corps of Engineers (USACE) Routine On-site Data Forms.

TASK 6: PERMITTING

As part of the project design process we work to flush out permitting issues in order to develop appropriate permit applications and plans so that jurisdictional regulatory agencies can review and approve in the shortest possible time frame. Through our experience, we have found that it is imperative that permitting agencies are contacted early and often to determine permit issuing times and dates. This is critical to establishing accurate project schedules and to eliminate potential design and/ or construction impacts. We will prepare and submit the necessary plans and permit applications to the appropriate agencies. Submittals will be made, based on our knowledge of the applicable permitting rules to IDNR/OWR, the United States Army Corps of Engineers, Lake County Stormwater Management Commission, and the IHPA and IDNR/USFWS for Threatened and Endangered Species Consultation. For costing purposes, we have assumed that no more than two permit submittals will be required to each of the regulatory agencies. Should additional permit submittals be required, we propose to bill the additional effort separately.

TASK 7: PROJECT MANAGEMENT AND MEETINGS

This task includes the preparation for and attendance at various project meetings with the Village, as well as the overall management of the project. It is expected that project meetings will include a project kickoff meeting, as well as design review meetings with Village staff at the 80% and 100% design stages of the project. Further, we anticipate that up to two meetings will be required with other project stakeholders, as well as with regulatory agencies. Further we anticipate attending as many as two Village Board meetings during the alternative analysis and design engineering phases of this project. As such, for purposes of this task, we have assumed up to seven (7) meetings and associated preparation of materials and coordination will be needed as part of the final design process. This task also includes project management and administration duties, including project set-up, scope reviews, scheduling, budget control, manpower planning, client coordination, quality control, correspondence, and invoicing.

PROJECT ASSUMPTIONS

In preparing this proposal, we have attempted to provide you with a complete package of the engineering services anticipated at this point in time. In doing so, we have made some assumptions which will need to be verified during the engineering process. Any findings which are not consistent with our assumptions may impact the engineering budget for this project. We will thoroughly discuss any such findings with you and negotiate any budget revisions prior to proceeding. Our assumptions are as follows:

- The site was never used for storage of hazardous materials, and therefore the cost of an environmental assessment, mitigation, clean-up and permitting services are not included.
- Geotechnical borings and analysis are not included in this proposal. If it is determined that a study will be necessary, we will assist you in soliciting a proposal for this work.

- Permit fees are not included in our scope of work.

ESTIMATE OF FEES

i Due to the nature of the tasks listed in the above Scope of Basic Services, we have provided time and material budgets. The actual amount invoiced will be based on the level of effort required to accomplish the task, but we will not exceed the budget without your prior approval. Our estimated fees are based on the entire Scope of Basic Services being awarded to us. In general, individual tasks cannot be broken out and awarded separately.

Task #	Task Name	Fee
Task 1	Review Existing Information and Data Collection	\$2,450
Task 2	Field Survey and Easement Documents	\$6,100
Task 3	Alternative Analysis	\$8,950
Task 4	Design Engineering of Selected Alternative	\$14,500
Task 5	Wetland Assessment	\$2,300
Task 6	Permitting	\$8,750
Task 7	Project Management and Meetings	\$6,750
	TOTAL	\$49,800

Please note that preparing this proposal requires the exercise of professional knowledge and judgment, and as such, this proposal remains the proprietary instrument of service of the firm WBK Engineering, LLC. No portion of this proposal may be shared with another firm providing similar services without our permission.

We propose to bill you monthly based on a Cost Plus Fixed Fee basis. We establish our contract in accordance with the attached General Terms and Conditions. These General Terms and Conditions are expressly incorporated into and are made an integral part of this contract for professional services. We reserve the right to increase our fees by five percent (5%) on December 31st of each calendar year. If this proposal is acceptable, please return one (1) signed copy to us for our files to serve as a notice to proceed. Thank you for the opportunity to provide service to the Village of Lincolnshire. If you have any questions, please do not hesitate to call.

Sincerely,

Patrick Kelsey, CPSS/SC
Resource Management Practice Principal

Scott F. Randall, P.E., CFM
Senior Engineer

Encl: Exhibit A: Estimate of Cost
General Terms and Conditions (February 4, 2016)

THIS PROPOSAL, SCHEDULE OF CHARGES, AND GENERAL TERMS & CONDITIONS ACCEPTED FOR THE VILLAGE OF LINCOLNSHIRE:

BY: _____

TITLE: _____

EXHIBIT A - PHASE II ENGINEERING SERVICES
Lincolnshire Creek Drainage Improvements
Riverwoods Road to Coventry Lane

Route 0
 Local Agency Village of Lincolnshire
 Section 0
 Project 16-0199
 Job No. 0
 Existing Structure No. 0

Method of Compensation:

- Cost Plus Fixed Fee 1 14.5%[DL + R(DL) + OH(DL) + IHDC]
- Cost Plus Fixed Fee 2 14.5%[DL + R(DL) + 1.4(DL) + IHDC]
- Cost Plus Fixed Fee 3 14.5%[(2.3 + R)DL + IHDC]
- Specified Rate (0.37 + R) DL
- Lump Sum

*Firm's approved rates on file with IDOT's
 Bureau of Accounting and Auditing:

Overhead Rate (OH)	126.44 %
Complexity Factor (R)	0.000
Calendar Days	540

Date: 6/17/2016

Cost Estimate of Consultant's Services in Dollars

Element of Work	Employee Classification	Man-Hours	Payroll Rate	Payroll Costs (DL)	Overhead (DLxOH)	Services by Others	In-House Direct Costs (IHDC)	Fixed Fee	Total
1 Review Existing Information and Data Collection	Engineer V	6.0	\$57.83	\$346.98	\$438.72	\$ -	\$ -	\$0.00	\$906.45
	Engineer II	10.0	\$32.22	\$322.20	\$407.39			\$120.75	\$841.72
	Senior Scientist	4.0	\$67.50	\$270.00	\$341.39			\$93.96	\$705.35
2 Field Survey and Easement Documents	Engineer V	2.0	\$57.83	\$115.66	\$146.24	\$ -	\$ -	\$0.00	\$302.15
	Engineer II	4.0	\$32.22	\$128.88	\$162.96			\$40.25	\$336.69
	Engineering Technician II	32.0	\$29.80	\$953.60	\$1,205.73			\$44.85	\$2,491.18
	Professional Land Surveyor	26.0	\$43.50	\$1,131.00	\$1,430.04			\$331.85	\$2,954.63
3 Alternative Analysis	Engineer V	12.0	\$57.83	\$693.96	\$877.44	\$ -	\$ -	\$0.00	\$1,812.90
	Engineer II	64.0	\$32.22	\$2,062.08	\$2,607.29			\$241.50	\$5,386.97
	Engineering Technician III	4.0	\$34.50	\$138.00	\$174.49			\$717.60	\$360.51
	Senior Scientist	6.0	\$67.50	\$405.00	\$512.08			\$48.02	\$1,058.02
	Landscape Architect	4.0	\$32.15	\$128.60	\$162.60			\$140.94	\$335.95
4 Design Engineering of Selected Alternative	Engineer V	14.0	\$57.83	\$809.62	\$1,023.68	\$ -	\$ -	\$0.00	\$2,115.05
	Engineer II	108.0	\$32.22	\$3,479.76	\$4,399.81			\$281.75	\$9,090.53
	Engineering Technician III	4.0	\$34.50	\$138.00	\$174.49			\$1,210.96	\$360.51
	Senior Scientist	10.0	\$67.50	\$675.00	\$853.47			\$48.02	\$1,763.37
	Landscape Architect	14.0	\$32.15	\$450.10	\$569.11			\$234.90	\$1,175.84
5 Wetland Assessment	Senior Scientist	2.0	\$67.50	\$135.00	\$170.69	\$ -	\$ -	\$0.00	\$352.67
	ERS III	24.0	\$31.00	\$744.00	\$940.71			\$46.98	\$1,943.62
6 Permitting	Engineer V	4.0	\$57.83	\$231.32	\$292.48	\$ -	\$ -	\$0.00	\$604.30
	Engineer II	48.0	\$32.22	\$1,546.56	\$1,955.47			\$80.50	\$4,040.23
	Engineering Technician III	4.0	\$34.50	\$138.00	\$174.49			\$538.20	\$360.51
	Senior Scientist	4.0	\$67.50	\$270.00	\$341.39			\$48.02	\$705.35
	Landscape Architect	36.0	\$32.15	\$1,157.40	\$1,463.42			\$93.96	\$3,023.60
7 Project Management and Meetings	Engineer V	20.0	\$57.83	\$1,156.60	\$1,462.41	\$ -	\$ -	\$0.00	\$3,021.51
	Engineer II	28.0	\$32.22	\$902.16	\$1,140.69			\$402.78	\$2,356.80
	Senior Scientist	8.0	\$67.50	\$540.00	\$682.78			\$313.95	\$1,410.70
Totals		502.0		\$ 19,069.48	\$ 24,111.46	\$ -	\$ -	\$ 6,636.17	\$ 49,817.11